

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF PUERTO RICO

IN RE:	*	CASE NUMBER: 09-09746 ESL
	*	
JOSE RONNY MARADIAGA BENAVIDES*	*	
	*	
DEBTOR(S)	*	CHAPTER 13 (ASSET CASE)
	*	

DEBTOR'S ANSWER TO TRUSTEE'S POSITION

TO THE HONORABLE COURT:

COME(S) now Debtor(s) represented by the undersigned counsel and respectfully allege(s) and pray(s) as follows:

1. On March 23nd, 2010 the Trustee rendered a report stating his position in regards to the Mortgage note how owed by Wells Fargo.

2. In said report the Trustee's position was the following: If debtor's plan proposes the surrender of Movant's collateral and/or the consent to the lift of the stay in favor of Movant, and/or the plan payments under the plan are in default and/or debtor's direct payments to Movant are in default, the Trustee does not opposes Movant's request. On the other hand if debtors' plan does not proposes the surrender of Movant's collateral or the consent to the lift of the stay in its favor, and/or the plan payments are up to date and/or the direct payments to Movant are up to date, the Trustee opposes Movant's request.

3. In regards with the debt owed by debtor to Wells Fargo, the debt is in regards to a mortgage loan owed by debtor with the Mortgage Store (See **Exhibit I & II**) of the Motion to Lift Stay.

4. The confirmed plan provides for the surrender for payment in full to the Mortgage Store which is now owed by Wells Fargo.

WHEREFORE, it is respectfully requested from this Honorable Court to GRANT the present Motion and acknowledge the above stated.

In San Juan, Puerto Rico, this 24th day of March, 2010.

I HEREBY CERTIFY: That I electronically filed the foregoing with the Clerk of the Court using the CM/ECF System which will send notification of such filing to the following: Chapter 13 Trustee **Jose R. Carrion, Esq.**, US Trustee **Monsita Lecaroz Arribas** and to all those who in this case have registered for receipt of notice by electronic mail and I hereby certify that I have mailed by regular mail to all creditors listed on the attached Master Address List.

RESPECTFULLY SUBMITTED

/S/Marilyn Valdes Ortega

MARILYN VALDES ORTEGA

USDC PR 214711

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Label Matrix for local noticing
0104-3
Case 09-09746-ESL13
District of Puerto Rico
Old San Juan
Thu Mar 25 07:29:50 AST 2010

AMERICAS SERVICING CO.
ATT. BANKRUPTCY
1 HOME CAMPUS
DES MOINES, IA 50328-0001

CLC CONSUMER LOAN SERVICES
SERVICING AGENT FOR E TRADE
CONSUMER LOAN SERVICES
2730 LIBERTY AVENUE
PITTSBURGH PA 15222-4704

DEPARTAMENTO DE HACIENDA
PO BOX 9024140
OFICINA 424 B
SAN JUAN, PR 00902-4140

FEDERAL LITIGATION DEPT OF JUSTICE
PO BOX 9020192
SAN JUAN, PR 00902-0192

(p) INTERNAL REVENUE SERVICE
CENTRALIZED INSOLVENCY OPERATIONS
PO BOX 21126
PHILADELPHIA PA 19114-0326

SEARS
701 EAST 60TH ST N
SIOUXFALLS, SD 57104-0432

Wells Fargo Bank, N.A.
Attn: Bankruptcy Dept.
ONE HOME CAMPUS, MAC#X2501-01D
DES MOINES, IA 50328-0001

MARILYN VALDES ORTEGA
VALDES-ORTEGA
P O BOX 195596
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WELLS FARGO BANK NA
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PLANTATON, FL 33324-3920

AMERICAS'S SERVICING COMPANY
PO BOX 1820
NEWARK, NJ 07101-1820

CLC CONSUMER SERVICES
PO BOX 747006
PITTSBURGH, PA 15274-7006

DEPARTAMENTO DEL TRABAJO
AVE. MUOZ RIVERA 505
HATO REY, PR 00918-3352

FLORIDA DEFAULT LAW GROUP, P.L.
PO BOX 25018
TAMPA, FL 33622-5018

MORTGAGE ELECTRONIC REGISTRATION SYSTEMS
AS NOMENEE FOR PNC CONSUMER SERVICES
3300 SW 34TH AVE. STE 101
OCALA, FL 34474-4438

THE LEMON TREE-1 CONDOMINIUM ASOC INC
C/O DON H NGUYEN ESQ
6236 KINGSPONTE PARKWAY SUITE 9
ORLANDO FL 32819-6530

JOSE RAMON CARRION MORALES
PO BOX 9023884
SAN JUAN, PR 00902-3884

MONSITA LECAROEZ ARRIBAS
OFFICE OF THE US TRUSTEE (UST)
OCHOA BUILDING
500 TANCA STREET SUITE 301
SAN JUAN, PR 00901-1938

US Bankruptcy Court District of P.R.
U.S. Post Office and Courthouse Building
300 Recinto Sur Street, Room 109
San Juan, PR 00901-1964

CITIBANK USA
ATTN. CENTRAIZED BANKRUPTCY
PO BOX 20507
KANSAS CITY, MO 64195-0507

COOP A/DE LOMAS VERDES
PO BOX 1142
BAYAMON, PR 00960-1142

E-TRADE
270 LIBERTY AVE.
PITTSBURG, PA 15235

HOME DEPOT CREDIT SERVICES
PROCESSING CENTER
DES MOINES, IA 50364-0500

ORANGE COUNTY TAX COLLECTOR
PO BOX 2551
200 SOUTH ORANGE AVENUE, SUITE 1500
ORLANDO, FL 32801-3438

THE MORTGAGE STORE FINANCIAL, INC.
DEPT. 9539
LOS ANGELES, CA 90084-0001

JOSE RONNY MARADIAGA BENAVIDES
CALLE CLAVELILLO S 22
LOMAS VERDES
BAYAMON, PR 00956-3216

RAMESH SINGH
RECOVERY MANAGEMENT SYSTEM CORP.
25 SE 2ND AVE STE 1120
MIAMI, FL 33131-1605

The preferred mailing address (p) above has been substituted for the following entity/entities as so specified by said entity/entities in a Notice of Address filed pursuant to 11 U.S.C. 342(f) and Fed.R.Bank.P. 2002 (g)(4).

INTERNAL REVENUE SERVICE
MERCANTIL PLAZA BLDG, ROOM 1014
2 PONCE DE LEON AVE. STOP 27 1/2
SAN JUAN, PR 00918-1693

The following recipients may be/have been bypassed for notice due to an undeliverable (u) or duplicate (d) address.

(u)WELLS FARGO BANK, NA (VTQ)
MARTINEZ & TORRES LAW OFFICES, P.S.C.
PO BOX 192938

(u)MARADIAGA BENAVIDES, JOSE RONNY

(d)THE LEMON TREE-1 CONDOMINIUM ASOC., INC.
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ORLANDO, FL 32819-6530

End of Label Matrix
Mailable recipients 26
Bypassed recipients 3
Total 29